

MINUTES OF THE HOWARD COUNTY PLANNING BOARD – April 17, 2007 P.M.

Members Present: Tammy CitaraManis, Chairperson; David Grabowski, Vice-Chair; Linda Dombrowski; Gary Rosenbaum; Ramsey Alexander, Jr.

Members Absent:

DPZ Staff Present: Stephen Lafferty; Bob Lalush; Zan Koldewey; Lisa Kenney

Pre-Meeting Minutes

The Board discussed process for the public meeting as well as continuation dates. They decided that 5/24 would be the continuation date and that once the public meeting has ended there will be 5 days for the citizens to submit written testimony. The Board postponed approving minutes until the 4/26/07 meeting.

Minutes

No minutes were voted upon.

PUBLIC MEETING

Ms. CitaraManis opened the public meeting at 7:03 p.m.

ZONING REGULATION AMENDMENTS

ZRA 79 – Mary Kay Sigaty

Presented By: Bob Lalush
Petition: To amend Section 125 to create a height limit requirement in the New Town Zoning District until new Downtown Columbia zoning changes are adopted by the County Council.
DPZ Recommendation: Approval
Petitioner's Representative: Mary Kay Sigaty

ZRA 83 – Mary Kay Sigaty

Presented By: Zan Koldewey
Petition: To amend Section 100 E to create a Grandfathering clause that would require cases under judicial review to be subject to zoning regulation changes.
DPZ Recommendation: Denial
Petitioner's Representative: Mary Kay Sigaty

NOTE: The Planning Board heard and considered ZRA 79 and ZRA 83 together.

Ms. CitaraManis explained the procedures for the meeting and announced the continuation date of 5/24/07.

Mr. Lalush gave a brief overview of ZRA 79 regarding a maximum height limitation in the New Town zoning and staff's recommendation.

Ms. Dombrowski questioned if height restrictions existed in the MXD District and how height is measured. Mr. Lalush explained that height is determined by the criteria in MXD. He also explained that height is measured for flat roofs and architectural features, and that equipment on a roof, such as antennas would be exempt.

Ms. Koldewey gave an overview of ZRA 83 that would make cases under judicial review subject to any regulation changes. She explained that current regulations do not do this.

ZRA 79

Councilwoman Mary Kay Sigaty, Petitioner, explained that there is considerable interest in what is happening in Downtown Columbia. She stated that the height restriction is needed since there is not a master plan for Downtown yet and that it is in the community's best interest to introduce an interim height restriction of 150 feet to calm fears about what could happen and get individuals to starting thinking about what can happen.

Mr. Rosenbaum questioned if Council took into account a 20 story height limit. Ms. Sigaty explained that the proposed amendment would be a tool to calm citizens to ensure that nothing happens between now and when the Downtown master plan is implemented.

Ms. Dombrowski asked about consideration for variation in grades, in terms of the impact on height. Ms. Sigaty stated that 150 feet would be the maximum and that developers could always build smaller. Ms. Dombrowski asked what would happen if the master plan yields a higher height restriction and whether the proposed amendment would restrict developers who come through the process in the interim period. Ms. Sigaty answered yes the developer would be restricted, however, she hoped that the builder would wait and see what the process for downtown plan would be. She also stated that the proposed amendment is all that government can do, because the original petitioner is the only one who can amend the comprehensive sketch plan or final development plan.

Ms. CitaraManis asked the reasoning behind the Plaza Tower project being left out of the Charrette process and if building height was a topic during the Charrette. Ms. Sigaty stated she did not know why the Plaza Tower was left out and that the topic of building height varied from one person to the next.

Mr. Grabowski, questioned the text changes recommended by the staff. Ms. Sigaty stated that she had not reviewed the text changes with an attorney, but indicated that if the text changes made the proposed amendment more easily understood, she was in favor of them.

Mr. Alexander asked if the WCI project was overlooked because it had already been approved. Ms. Sigaty stated the project had been left out because it was already in the development process. She also stated that at a public meeting, then County Executive Robey stated the County specifically excluded two parcels from the Charrette.

Mr. Rosenbaum asked if any plans existed in the development pipeline that created a pressing need for the proposed amendments now. Ms. Sigaty stated that she had no knowledge of any projects currently in the pipeline.

ZRA 83

Ms. Sigaty stated the reasoning for introducing ZRA 83 was due to the fact that the current regulations are silent on the issue. She also stated that she was trying to bring consistency by defining "pending" as the same for all decision makers. She added that the proposed amendment had been reviewed by the Office of Law and she was informed that the amendment was legally sufficient.

Ms. CitaraManis questioned the impact of the proposed amendment on the already time consuming building approval process. Ms. Sigaty stated that the builders she talked to wouldn't make a

determination to move forward until all judicial challenges are settled. She further stated her belief that it was important that the government and the community feel as though the project going forward was completely settled.

Ms. Dombrowski asked if thought was given to whether satisfying one area would cause a negative impact to another. Ms. Sigaty stated that her objective was not to cause unintended consequences or harm. She also stated that the proposed amendment was less liberal than Maryland law regarding when a project is vested. Ms. Dombrowski asked how the amendment would improve communications between citizens and County agencies. Ms. Sigaty stated that by communicating in the beginning of a project, it would be less likely to have appeals at the other end.

Mr. Rosenbaum asked what kind of message the proposed amendment would send to the business community in terms of completing projects in Howard County in an expeditious fashion. Ms. Sigaty stated that the message would be that citizens want to be considered in decisions being made, and that working cooperatively with the community would be advantageous for businesses and developers.

Ms. Dombrowski asked if ZRA 83 would expire once a Downtown master plan was implemented like ZRA 79 does. Ms. Sigaty stated that it had not been considered.

PUBLIC TESTIMONY

Note: (See also Public Testimony List which indicates the speakers position of support or opposition to both ZRA 79 & 83)

Sharonlee Vogel of 10386 Green Mountain Circle, Columbia, Wilde lake, spoke in opposition to ZRA 79 and 83 stating that the legislation was not in the best interest of Howard County and would limit the potential to build a vibrant city.

Dell KarFonta of 3806 Plum Meadow Drive, spoke on behalf of the Chamber of Commerce stating their opposition to retroactive legislation (ZRA 83) because of the negative impact on future businesses in Howard County. He also stated that the proposed legislation would cause developers to lose trust in the government and businesses.

Steven Sachs of 10612 Hillingdon Road, Woodstock Maryland, spoke in opposition to the proposed amendment stating his concerns regarding fairness and the inability for businesses to survive if they are always looking backwards.

Sherman Howell, spoke on behalf of African American Coalition of Howard County in opposition of the proposed ZRA's stating concerns regarding a housing shortage and that stricter development regulations would increase housing costs.

Mary Ann Sculley of 13975 Roven Hill Road, West Friendship, a local banking executive, stated her opposition of the proposed ZRA's due to businesses choosing to go to more predictable locations and that the community will be the ones to suffer.

Joan Abdallah of 4564 Kingscup Court, Ellicott City, (written testimony) spoke in opposition to the proposed ZRA's, stating that she sold her home and reserved a condo in the Plaza Residences and now her life is hold because the Tower is on hold.

Tim Sosinski of 11795 Braedon Wood Road, Clarksville MD, opposed the proposed ZRA for specific functional and aesthetic reasons. He stated that future development should include dense

walkable areas, and that everyone should trade height and density for initiatives that serve the community.

Michael Davis of 10323 Wilde Lake Terrace, opposed the proposed ZRA's stating that height limitations are arbitrary and that there are many other aspects in planning Downtown and height is only one factor.

Joanne Davis of 10323 Wilde Lake Terrace, spoke in opposition to the proposed ZRA's stating she wanted architects and planners to be free from all arbitrary roadblocks.

Paul Skalny of 4312 Buckskin Woods Drive, Columbia, past chair of the Chamber of Commerce, opposed the ZRA's stating his concerns that it would negatively impact business and future growth and the unfairness to the Tower developer.

Gregory Lowe of 8509 Union Mills Court, Ellicott City MD, spoke in opposition of the ZRA's stating that he recently moved his family owned business to Howard County and that retroactive legislation would not be fair.

Malynda Madzel of 10001 Windstream Drive, Columbia, a resident and small business owner who currently lives in a highrise, spoke in opposition to the proposed ZRA's stating that the amendments are anti-business and would be disastrous for the business community and long term economic development of Howard County.

Brian England of 11915 Gold Needle Way, Columbia, spoke in favor of the proposed ZRA's stating that the amendments would put a hold on thoughtless development.

Gordon Mumpower of 12214 Sleepy Horse Lane, Columbia, spoke in favor of the proposed amendments stating that they will enhance Downtown.

Mr. Stephen Meskin of 5626 Vantage Point Road, Columbia spoke in favor of proposed ZRA's, stated that the word stories is vague and that measuring height in feet would be better.

Laura Waters of 5014 Round Tower Place, Columbia opposed the ZRA, stating that she was in agreement with previous opposition and that development should be based on urban planning not on restrictions of buildings.

Earl Armiger of 11130 Homewood Road, Ellicott City opposed the ZRA's, stating his agreement with other opposition and further stating that the legislation was ill conceived and not good planning as well as a misuse of the term grandfathering, which is used to protect approvals.

Gary Kaufman of 10203 Castlehill Court, Ellicott City opposed the ZRA's stating that he was looking forward to the lifestyle of Tower Plaza.

Beverly Schnetzler of 5671 Vantage Point Road, Columbia supported the ZRA's stating she would like to see any height changes brought to the community in planning the Downtown area and be decided by citizen voters, not by corporations.

Doug Godine of 1311 Western Run Road, Cockeysville MD, Gen. Manager of Columbia, GGP, opposed the ZRA's stating his agreement with previous opposition. He also stated that building heights need to go through the planning process with citizens and the County input.

Tom Ballentine, of 1502 Woodlawn Drive, Baltimore, representing Home Builders Association of Maryland spoke in opposition of the ZRA's stating that they are unreasonable, and that the Board should enforce fairness by denying the petitions.

Barbara Lawson of 10474 Gray Owl Garth, Columbia opposed ZRA's stating that Columbia currently lacks a warm and welcome place or center of Columbia. She further stated that Columbia was originally created by bold planners and for the Board to keep open minds to look at alternatives and be willing to explore all options.

Lin Eagan of 11309 Ridermark Row, Columbia, a member of Bring Back the Vision, opposed the ZRA's retroactive zoning stating that the loss of the WCI building can affect Howard County for years and narrow opportunities for even moderate income housing buyers.

Emily Lincoln of 10327 Wilde Lake Terrace, a member of Bring Back the Vision, submitted a petition in opposition of the ZRA's signed by several members of their group.

Louis Toler of 7421 Swans Point Way, Columbia spoke in opposition of the ZRA's, stating that retroactively affecting plans that are already approved is unfair. He also stated he recognized the value of some high density, green buildings that would be commercially viable and environmentally friendly.

Marvin Lawson of 12118 Blue Flag Way, Columbia spoke in support of the ZRA, stating his agreement with previous supporters.

Todd Brown, of Linowes and Blocher 7200 Wisconsin Ave, Bethesda, representing GGP, spoke in opposition to the proposed ZRA's, stating that retroactively pulling a plan that has been approved could potentially be illegal and would unlawfully impact developers rights, which would be contrary to good practice and policy.

Dave Leonard of 6098 Covington Road, Village of Hickory Ridge, opposed the ZRA's, stating the need for a vibrant and alive downtown and the only way to accomplish would be vertically, since there is limited space for horizontal development.

Alex Hekemian of 9572 Basket Ring Road, Columbia supported the ZRA's, stating his belief that the Developer's acted negligently.

Charles Scott, of 5681 Thicket Lane, Columbia supported the ZRA's stating a need to limit specific projects that might be inconsistent with future planning while planning is ongoing.

John David Smith, 5030 Round Tower Place, Columbia, supported the ZRA's, stating that you can still have a vibrant downtown with buildings 150 feet or less.

Delegate Elizabeth Bobo of 5561 Suffield Court, supported the ZRA's, stating that the issue of height is significant and could set the tone on how to move forward. She also stated that the building was given permits to build even though legal cases were pending against it.

Rebecca Johnson of 1111 Wood Elves Way, representing the Harpers Choice Village Board, read the letter of support drafted by the Village Board in support of the ZRA's.

Russell Swatek of 8141 Tamar Drive, Long Reach, supported the ZRA's stating that the zoning regulations of Howard County belong to the citizens and that the County employees don't have the right to give those away.

Regina Holt of 6331 Wimbledon Court, Elkridge, supported the ZRA's stating that there are questions regarding the legality of the initial approval, so construction should be on hold until those issues can be resolved. She also stated her concerns regarding infrastructure and transit to accommodate a large building.

Michael Berla of 10413 Green Mountain Circle, Wilde Lake supported the ZRA's and applauded Councilwoman Sigaty for carrying out her pledge prior to the election. He stated that the project should not have been approved and it was a violation of zoning rules.

Lloyd Knowles of 5561 Suffield Court, Columbia supported the ZRA, and stated that the staff report for ZRA 83 was incorrect as the grandfathering provision is relatively new, and regulation changes could be applied to projects that had not been vested.

Richard Ohnmacht of 2941 Excelsior Springs Court, opposed the ZRA's, stating his agreement with previous opposition.

Alan Coltri of 5223 Patriot Lane, Columbia supported the ZRA's, stating that he would like to see a return to transparency of the process and that a 150 foot limit will serve in the interim while waiting for the master plan to be included.

David Glaser of 5188 Even Start Place, Columbia supported the ZRA's, stating his agreement with previous supporters.

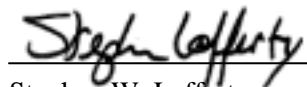
Melanie Moser of 501 West University Pkwy, Unit B, Baltimore speaking on behalf of the Howard County HBAM(what does this stand for, spell out), DPZ Committee, opposed the ZRA's stating that they would put the time, effort and investment at risk and that it is blatantly unreasonable and unfair.

Steven Brown Pearn of 6535 Skull Brown Way, Columbia, supported the ZRA's stating that he previously worked in NY City and knows what its like to be in an area with tall buildings and that progress is inevitable but the community needs to view where they're going.

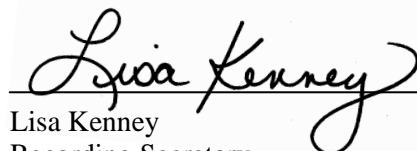
Christine Crandall of 9111 Brunners Run Court, Columbia supported the ZRA stating that the Tower was illegally approved, which sets a precedent for other developers, that they can easily get around regulations. She also stated that land in Howard County is too valuable and that she doesn't believe that businesses wouldn't move to the County.

Ms. CitaraManis continued the public meeting until May 24th at 7:00 p.m.

THERE BEING NO FURTHER BUSINESS, THE PLANNING BOARD ADJOURNED AT APPROXIMATELY 10:40 P.M.



Stephen W. Lafferty
Acting Executive Secretary



Lisa Kenney
Recording Secretary

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